Senate File 2078 - Introduced

SENATE FILE 2078 BY D. JOHNSON

A BILL FOR

- 1 An Act authorizing the department of natural resources to
- 2 require reports regarding the number of animals maintained
- 3 at a confinement feeding operation, making penalties
- 4 applicable, and including effective date provisions.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. <u>NEW SECTION</u>. **459.201A Reporting requirement** —
- 2 animals maintained at a confinement feeding operation.
- 3 The department may require the owner or operator of a
- 4 confinement feeding operation to submit one or more animals
- 5 confined reports that contain information regarding the number
- 6 of animals maintained at the confinement feeding operation in a
- 7 manner and during a time period that the department determines
- 8 is relevant. The report shall present the information in
- 9 a manner that converts the number of animals maintained to
- 10 equivalent animal units.
- 11 Sec. 2. NEW SECTION. 459.301A Reporting requirement —
- 12 animals maintained at a confinement feeding operation.
- 13 The department may require the owner or operator of a
- 14 confinement feeding operation to submit one or more animals
- 15 confined reports that contain information regarding the number
- 16 of animals maintained at the confinement feeding operation in a
- 17 manner and during a time period that the department determines
- 18 is relevant. The report shall present the information in
- 19 a manner that converts the number of animals maintained to
- 20 equivalent animal units.
- Sec. 3. Section 459.303, Code 2018, is amended by adding the
- 22 following new subsection:
- 23 NEW SUBSECTION. 4A. If the application is for a permit
- 24 to expand a confinement feeding operation, the department may
- 25 require the applicant to submit an animals confined report as
- 26 described in section 459.301A.
- 27 Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate
- 28 importance, takes effect upon enactment.
- 29 EXPLANATION
- The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
- 32 BILL'S PROVISIONS GENERAL. This bill amends the "Animal
- 33 Agriculture Compliance Act" (Code chapter 459) which in
- 34 large part provides for the regulation of confinement feeding
- 35 operations (operations) including associated confinement

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- 1 feeding operation structures (structures), such as buildings 2 or manure storage structures, by the department of natural 3 resources (DNR). BILL'S PROVISIONS — REPORTING REQUIREMENT. The bill 5 provides that for purposes of administering and enforcing Code 6 chapter 459, subchapter II relating to air quality and Code 7 chapter 459, subchapter III relating to water quality, DNR 8 may require that the owner or operator of an operation submit 9 one or more animals confined reports that contain information 10 regarding the number of animals maintained at the operation ll in a manner and during a time period that DNR determines is 12 relevant. The report must present the information in a manner 13 that calculates the number of animals maintained as animal 14 units. The bill authorizes DNR to require a report as part of a 15 construction permit to expand a structure. 16 BACKGROUND — APPLICABLE REGULATIONS. Under Code chapter 17 459, subchapter II, applicable regulations based on an 18 operation's size include separation distances required between 19 a structure and a benefited object or location (e.g., a 20 residence) (Code sections 459.202 and 459.203). Special manure 21 storage regulations apply to a qualified confinement feeding 22 operation that exceeds a special threshold size (Code sections 23 459.102 and 459.206). Under Code chapter 459, subchapter III, 24 the requirement to obtain a construction permit applies to an 25 operation that exceeds a certain size (Code section 450.303). 26 A number of exceptions also applies to a small animal feeding 27 operation including requirements for the submission of a 28 construction design statement (Code sections 459.306 and 29 459.307), the submission of a manure management plan (Code 30 sections 459.312 and 459.312A), the application of manure on 31 snow covered or frozen ground (Code section 459.313A), and 32 the certification of certain manure applicators (Code section
- 34 BACKGROUND ENFORCEMENT AND APPLICABLE CIVIL PENALTIES.

33 459.315).

35 Compliance with a statutory regulation under the Code chapter

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- 1 includes compliance with a rule adopted by DNR (Code section
- 2 459.103). Code section 459.602 provides for civil penalties
- 3 that may be assessed for violations of Code chapter 459,
- 4 subchapter II (air quality regulations). A violator is subject
- 5 to Code section 455B.109, which provides for the administrative
- 6 assessment of civil penalties of up to \$10,000. Code section
- 7 459.603 provides for civil penalties that may be assessed for
- 8 violations of Code chapter 459, subchapter III (water quality
- 9 regulations). A violator is subject to either Code section
- 10 455B.109 providing for the administrative assessment of civil
- 11 penalties or Code section 455B.191, which provides for a
- 12 general civil penalty assessed judicially of up to \$5,000.
- 13 EFFECTIVE DATE. The bill, if enacted, takes effect upon
- 14 enactment.